

345 – 6th Street, Suite 600 Bremerton, WA 98337-1873
Phone: (360) 473-5213
Fax: (360) 473-5278

City of Bremerton
Dept. of Community
Development

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To: Terry Pruitt

From: Janet Lunceford

Fax: (360) 586-2756

Pages: 7, including cover

Phone:

Date: 2/8/2005

Re: Sesko

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BREMERTON-007722

BREMERTON PLANNING COMMISSION

MINUTES

APRIL 18, 1995

REGULAR MEETING

MEMBERS PRESENT: Chairman Goetze; Commissioners Olsen, Boyd, Stone, Hancock, Robinson.

MEMBERS ABSENT: Jackson (Note: Arrived later and noted in minutes.)

Chairman Goetze (C.G) called the meeting to order at 6:05 p.m.

Agenda approved as proposed.

Minutes for January 31, 1995:

- * Amend page 2, VIII, 1 Pa.; 6th line down/3rd paragraph: replace not with now.
- * Stone moved to approve minutes as corrected; Olsen seconded; Unanimous; Robinson abstained.

0002 Planning Commissioner Stone asked re records of workshop sessions. Chairman Goetze asked that workshops be recorded on one-page forms.

Directors report:

Ron Hough explained GMA appeals and population projection discussion.

(Debra Jackson arrived to participate in the meeting.)

0985 Commissioners Study Session

Commissioner Stone requested discussion of By-laws under New Business. The Commission agreed.

Item VIII 1. Public hearing on Elandan Garden sign exception. Chairman Goetze asked the standard conflict-of-interest questions. No questions of conflict arose.

Staff member Jensen gave the staff report and recommendation.

1470 In response to a question from Commissioner Olsen, Mel Williamson of Washington State DOT said no signs could be allowed on the State right-of-way.

No written testimony was received.

The applicant, Diane Robinson of Elandan Gardens, represented her request. She related the history of the Gardens and the basis of

the request.

1810 Dan Robinson explained the details of the request.

Chairman Goetze: Is the tree on the sign a business logo?

Mr. Robinson: No.

Chairman Goetze asked further questions relating to sign design detail.

Planning Commissioner Stone asked questions re location of the sign. Mr. Robinson answered.

Staff member Shane Jensen advised the Planning Commission that County sign sizes would limit sign to 90 square feet.

Any further speakers in favor of the proposal?

2310 Paul McConkey, Lower Marine Drive, Bremerton: I support the activity and suggest that the City support the larger size sign.

Natasha Sesko, Arsenal Way, Bremerton: I support their idea on the basis of size, location and traffic complications.

Chairman Goetze: Are there any people wishing to speak in opposition? None.

Chairman Goetze: Are there any people wishing to speak in a neutral manner? None.

Chairman Goetze: Is there any rebuttal by the applicant? None.

The discussion is closed to the Commission.

2756 Commissioner Stone: I believe we have a unique situation which warrants consideration. The situation of set-back, traffic speed, and traffic activities warrant an exception to the zoning code.

Planning Commissioner Boyd: I firmly favor the ordinance, but I think pragmatically that the signs - that 65' bothers me. I don't know anywhere in the City where the sign is such a great distance from the street. Even when traffic is slow, and that's fast traffic.

Planning Commissioner Olsen: Mr. Pratt, will our action set a precedent?

Executive Secretary Pratt: Yes, we will follow your lead in future special exceptions.

Planning Commissioner Robinson: Other than the 65-foot set-back,

I would support upholding the zoning regulations. Would the State consider a variance allowing the sign to be closer to the roadway?

Mel Williamson, Washington State DOT: No, a variance is not possible.

Commissioner Stone: Based on the findings above, I move to grant a special exception to approve a sign from 176 to 200 square feet as indicated in the application.

Planning Commissioner Boyd seconds.

Commissioner Hancock: Call for the question.

Unanimous vote to approve the special exception.

3010 Chairman Goetze adjourned the meeting for five minutes.

3012 City staff presented Planning Commission members who served on the Citizens' Advisory Committee with commemorative plaques.

Item VII - 2. William Sesko's Appeal for a Cease and Desist Order issued to stop an illegal junk yard land use.

City staff member Shane Jensen gave the staff report attached including a video type off the condition of the property. Exhibit and photo marked Exhibits B, C, D, E, F, G, H, I.

Chairman Goetze asked for written testimony; City Staff member Jensen read a written testimony from:

1. Rhoda Gage, 1558 Pennsylvania Ave., Bremerton.

Mr. Jensen also provided notes from a telephone conversation with Bill Radford, 1701 Pennsylvania, Bremerton. Mr. Radford supported the City's enforcement action.

The appellant, Bill Sesko of Arsenal Way, spoke on his behalf. He explained the history of the property as a coal gassification plant and the debris and possible contamination in the soil on the site.
0522 When I find out what the nature of the contamination is, I will file for permits. I will install a view-obscuring fence and remove some of the vehicles. The property was used for storage before the Business Park zoning and is a legal non-conformity.

Planning Commissioner Goetze: What is your timetable for removing illegal items?

Mr. Sesko: I'm not sure about the beach area; I will need to determine contamination and negotiate with the City and State.

Planning Commissioner Boyd: What about all the small stuff that is stored on the site?

Mr. Sesko: The site used to be a City dump. As I dig in the soil, garbage comes out. I am trying to haul the garbage off. I've been working at it for a year.

Planning Commissioner Stone: Your appeal is for Arsenal Way and Pennsylvania - are we considering both now?

City staff Jensen: No, only the Pennsylvania Avenue site junk.

Planning Commissioner Stone: Do I understand that you believe the junkyard determination does not apply to you?

Mr. Sesko: Some of the items should not be determined as junk. The rest of the items are involved in the contamination issue.

Planning Commissioner Stone: What is your intention with the building?

Mr. Sesko: I want to use it as an office.

Mr. Hancock: Were you issued a clean-up order on your Arsenal Way property?

Mr. Sesko: Yes, I was involved in a clean-up order with the County before I annexed.

Chairman Goetze: Any further speakers supporting the appeal?

None.

Chairman Goetze: Any speakers opposing the appeal?

William Radford, Illahee: When I started working at Lent's eight years ago, that was a beautiful site. Mr. Sesko has been changing and altering the whole waterfront.

Mr. Olsen realized there was a potential conflict of interest and withdrew from the Commission.

Mr. Radford continued his testimony and explained: Mr. Sesko is doing construction along the shoreline. The work he is doing has exposed the contamination. The Cease and Desist Order needs to be upheld to stop the junk vehicles from contaminating the soil.

Chairman Goetze: Any further testimony?

Frank Musial, Pennsylvania Ave.: I have lived adjacent to Penn Plaza for twenty years. I recommend that the City set a plan up to

dispense the material on the site. If the plan is not set up, it won't get done.

Chairman Goetze: Is there any other testimony?
None.

Chairman Goetze: Are there any further staff comments?

City staff Jensen: Mr. Sesko has not presented any non-conforming use evidence to staff.

Chairman Goetze: Is there an applicant's rebuttal?

Mr. Sesko: The City did not give me notice that any of the items are illegal. If they will tell me what the City disagrees with, I will prove non-conformity or remove it.

Chairman Goetze: I close the discussion to the Planning Commission.

Planning Commissioner Robinson: Junk is junk. Most of the stored material there is junk. I move the adoption of the model motion.

Seconded by Mr. Stone.

Question called by Ms. Boyd.

Unanimous vote to deny the appeal.

Item II, NEW BUSINESS

Mr. Stone discussed the by-laws regarding the vacation of chair and vice-chair. He proposed that election of officers for vacated positions occur at the first Scheduled or Special meeting after the positions are vacated.

Mr. Stone requested Director Pratt (as submitted) ... to schedule the proposed amendment for the next meeting.

X. OLD BUSINESS

Granny Flats discussion by Shane Jensen. Workshop format. No decisions made.

Workshop on May 2nd at 4:00 p.m.

XI. ADJOURNMENT

The meeting was adjourned at 9:45.

STATE OF WASHINGTON } SS
COUNTY OF KITSAP }

The Above and foregoing is Hereby Certified
to be a true and correct copy of:

Planning Commission Minutes
of April 18, 1995
City Clerk: *[Signature]*
Date: *3-29-98*

CITY of BREMERTON

**FINDINGS OF FACT and CONCLUSIONS
of the
BREMERTON PLANNING COMMISSION**

PUBLIC HEARING of APRIL 18, 1995:

ORIGINATOR: Shane Jensen, Land Use Planner
COMMISSION CHAIR: Richard Goetze

1. SUBJECT:

Appeal: CEASE and DESIST ORDER issued to stop illegal land use.

Appellant: WILLIAM J. SESKO
3536 Arsenal Way
Bremerton, WA 98312

Enforcement Action Taken: CEASE and DESIST ORDER to discontinue the illegal land use defined as "JUNKYARD". This land use is not allowed within the "Business Park (BP)" zone.

Location: 1701 Pennsylvania Avenue – shoreline parcel at the north end of Pennsylvania Avenue, west side of the street, abutting the Port Washington Narrows in West Bremerton.

2. ATTACHMENTS:

"A": Appeal of administrative decision Application
"B": CEASE and DESIST ORDER
"C": "JUNKYARD" definition from Zoning Ordinance
"D": Current Zoning Map
"E": "Land Use Table #10" from Zoning Ordinance

3. FINDINGS:

The Director of Community Development issued the CEASE and DESIST ORDER to discontinue the illegal "JUNKYARD" use on the subject lot in the BP zone. The Order seeks a discontinuation of the illegal use. The Order describes the use of the property and items necessary for removal, to be in compliance with the required cessation of the illegal use.

The Cease and Desist Order was appealed for these reasons (see *Appeal Application [Attachment "A"]*):

- Appellant protests the Cease and Desist Order dated February 2, 1995.
- Nonconforming outdoor storage was legally established and is a minor part of manufacturing for [Sesko's] research and development of products.

When hearing an appeal, the Planning Commission may take any of the following actions:

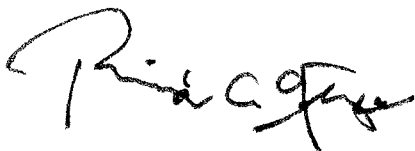
1. Uphold the Directors decision, validating the CEASE and DESIST ORDER.
2. Overturn the decision, invalidating the Order.
3. Modify the decision by adding or deleting conditions.
4. Remand the decision back to the Director for further review of circumstances or impacts identified by the Planning Commission. (The Planning Commission should include specific issues to be considered.)

4. CONCLUSIONS:

Due to the condition of the property, and the various vehicles, materials, and objects contained therein, the Commission concludes that the CEASE and DESIST ORDER was warranted to remedy the illegal use, and the decision to issue the Order was correct. The Commission upholds the Director's decision, validating the CEASE and DESIST ORDER.

5. ACTION TAKEN ON APPEAL:

The Bremerton Planning Commission, after considering oral and written testimony and other evidence submitted, **UPHOLDS** the decision of the Director of Community Development to issue the CEASE and DESIST ORDER, and recognizes the subject property at **1701 Pennsylvania Avenue** as being used as a "JUNKYARD", which is illegal in the "Business Park (BP)" zone.



RICHARD GOETZE
Chairman, Bremerton Planning Commission